

46 Am. Jur. 2d Judges § 54

American Jurisprudence, Second Edition | February 2022 Update

Judges

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VII. Compensation; Benefits; Allowances for Expenses

A. In General

§ 54. Allowances for judge's expenses

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

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[Constitutional provision fixing or limiting salary of public officer as precluding allowance for expenses or disbursements, 5 A.L.R.2d 1182](#)

Federal court judges are allowed traveling and maintenance expenses.¹ State statutes sometimes provide for the reimbursement of actual and necessary expenses for the transportation of judges when performing judicial duties outside of the county where a judge is provided chambers.² The necessity of filing claims for expenses is dependent upon the particular statutory provisions.³

Statutes providing for the payment of expenses to judges do not violate constitutional guaranties of equal protection, constitutional provisions limiting judicial compensation to the salary provided by law, or constitutional prohibitions against changing the compensation of judges during their terms of office.⁴

However, a prescribed maximum for salary and expenses in some jurisdictions places an upper limit on expense allowances.⁵ Applicable rules sometimes limit payment to those expenses necessarily incurred by reason of a justice's job-related assignments.⁶

Observation:

A governmental employer is not required to indemnify judges, acting in good faith, for legal expenses incurred in suits brought against them for acts committed in the discharge of their duties.⁷

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Footnotes

- 1 28 U.S.C.A. § 456.
- 2 *Bergin v. Office of Court Admin.*, 190 A.D.2d 981, 594 N.Y.S.2d 85 (3d Dep't 1993).
- 3 *Tierney v. Van Arsdale*, 332 S.W.2d 546 (Ky. 1960).
- 4 *Manning v. Sims*, 308 Ky. 587, 213 S.W.2d 577, 5 A.L.R.2d 1154 (Ky. 1948).
As to constitutional provisions against changing judicial compensation during the term, generally, see § 57.
As to expense allowances affected by constitutional prohibitions against changing judicial compensation during the term, see § 58.
As to discriminatory salary schemes as possible equal protection violations, generally, see § 56.
- 5 *Gipson v. Maner*, 225 Ark. 976, 287 S.W.2d 467 (1956).
- 6 *Bergin v. Office of Court Admin.*, 190 A.D.2d 981, 594 N.Y.S.2d 85 (3d Dep't 1993).
- 7 *Hart v. County of Sagadahoc*, 609 A.2d 282, 47 A.L.R.5th 943 (Me. 1992).
As to the liability of judges, generally, see §§ 61 to 79.

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